

Magistrate Judge's conclusions neither clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED AND ADJUDGED that the Proposed Findings of Fact and Recommendation [272] of United States Magistrate Judge Robert H. Walker entered in this cause on August 5, 2011, should be, and the same hereby is, adopted as the finding of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that the Motion [186] to Strike Untimely Expert Reports and Testimony of Khan and LeBatard is **DENIED**.

IT IS FURTHER ORDERED AND ADJUDGED that discovery is re-opened for the limited purpose of allowing Dominic and Kathleen Ovella to re-depose Khan and LeBatard regarding the opinions contained in the reports served on April 1, 2011.

IT IS FURTHER ORDERED AND ADJUDGED that the Motion [194] to Exclude is **GRANTED** to the extent that LeBatard's testimony is limited to his opinions regarding architecture, and **DENIED** with respect to Khan's testimony; however, subject to re-urging with respect to his use of NDS.

SO ORDERED AND ADJUDGED this the 19th day of August, 2011.

s/ Louis Guirola, Jr.
LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE